

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
JUN 19 2020

UNITED STATES DISTRICT COURT

for the

District of New Mexico

MITCHELL R. ELFERS
CLERK

United States of America)
 v.)
 Mark Christopher Arnold) Case No. 20-MJ-1205
 year of birth 1982)
)
)
)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 19, 2020 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §875(c)	Communications made via in interstate communications which contain threats to kidnap or injure the person of another
18 U.S.C. § 2261A(2)	Stalking - electronic communications sent with the intent to kill, injure, harass, or intimidate.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.


Jeffrey Moon
 Complainant's signature

Special Agent Jeffrey Moon

Printed name and title

Electronically submitted and sworn telephonically.

Date: June 19, 2020


Kirtan Khalsa
 Judge's signature

City and state: Albuquerque, NM

Kirtan Khalsa, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Jeffrey Moon, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of a Criminal Complaint and an application for an Arrest Warrant for Mark Christopher Arnold, year of birth 1982.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been so employed since September 2008. I am currently assigned to the Albuquerque Field Office. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. §875(c) – communications made via interstate communications which contain threats to kidnap or injure the person of another and 18

U.S.C. § 2261A(2)—Stalking - electronic communications sent with the intent to kill, injure, harass, or intimidate.

5. Because this affidavit is submitted for the limited purpose of securing authorization for a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

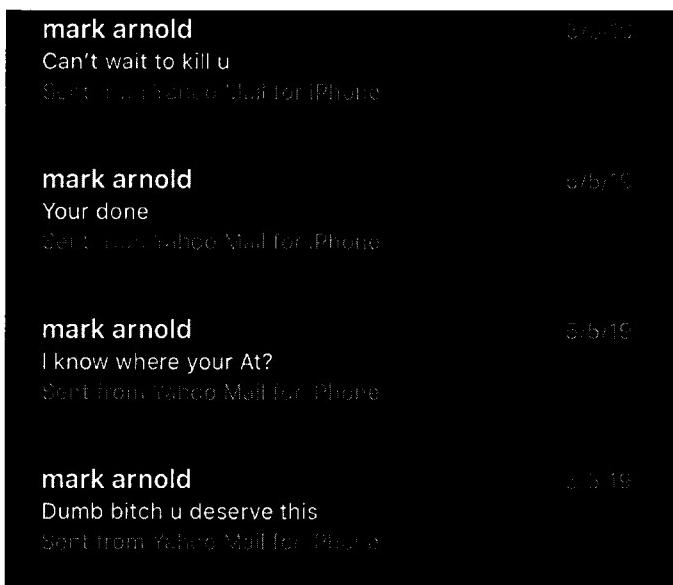
PROBABLE CAUSE

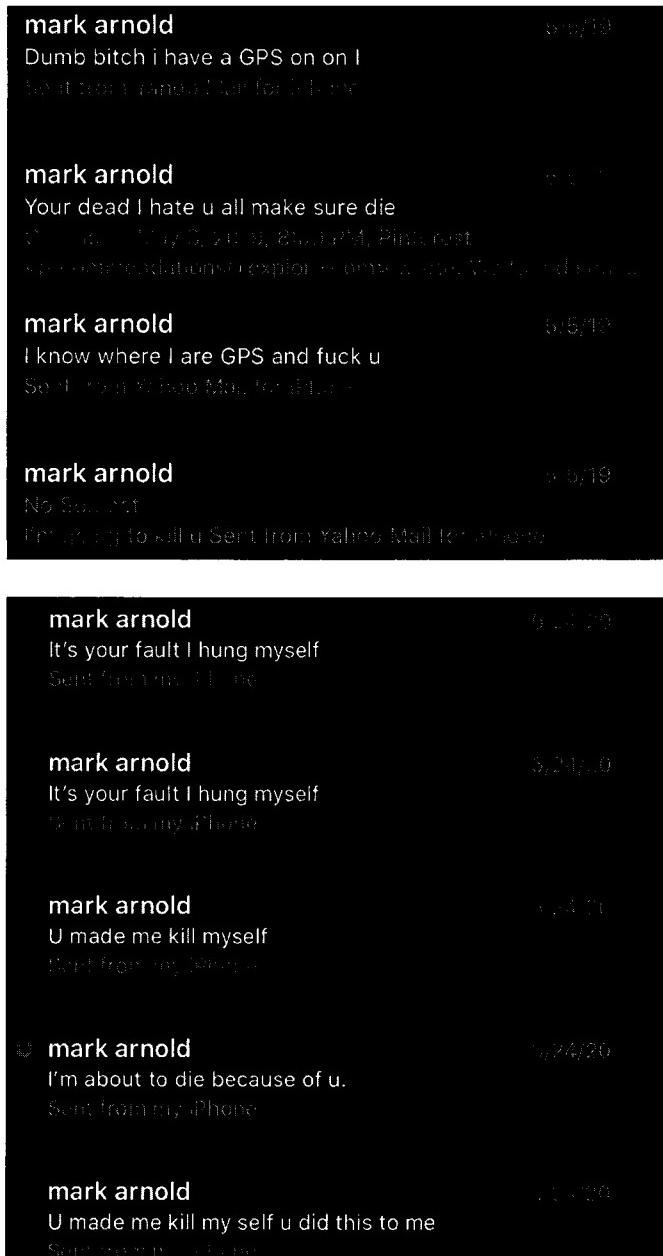
6. On approximately May 23, 2020, H.M. submitted information to the FBI via the Internet Crime Complaint Center (IC3.). From that complaint in addition to subsequent interviews, H.M. provided information that detailed several illegal acts committed by ARNOLD including online threats, unauthorized access and use of H.M.'s online accounts, and the unauthorized uploading and sharing of pornographic videos of H.M. From H.M.'s initial submission along with follow up interviews and research, I learned the following:

- i. From approximately 2016 until late 2018, H.M. and ARNOLD were in a relationship and lived together in Albuquerque, New Mexico.
- ii. Over the course of the relationship, ARNOLD abused drugs and alcohol and became physically abusive with H.M. on numerous occasions. Examples of the abuse include ARNOLD pushing H.M. down the stairs, ARNOLD attempting to anally rape H.M. in early 2018, and an incident in which ARNOLD pointed a loaded 9MM pistol at H.M. and threatened to shoot her in approximately September of 2018 which resulted in an APD SWAT callout.
- iii. In September of 2018, H.M. ended the relationship with ARNOLD.

iv. H.M. acquired a restraining order against ARNOLD in approximately May of 2019.

7. Since H.M. ended the relationship, ARNOLD has sent H.M. hundreds of communications including over 700 messages between April 10, 2019 and June 10, 2019. Included within these messages and emails are numerous threats and harassing statements including a message in May of 2019 in which ARNOLD stated he would cut off her nipples and torture her. Screenshots of additional messages ARNOLD sent to H.M. which H.M. provided to the FBI are detailed below:





8. In May of 2019 H.M. closed her Facebook account, which was created in her true name, due to a belief that ARNOLD accessed the account without authorization. Then in approximately March of 2020, H.M. created a new Facebook account using an alias(Same first name, but different last name.). H.M. shared this account with friends and co-workers, even “Friending” several of them. However, H.M. did not share this account with ARNOLD. The privacy settings on her Facebook page changed over time and at one point her friends list may

have been visible. However, she changed these settings and made the account and her friends list private.

9. Between May 22, 2020 and May 24, 2020, H.M. received over fifteen security warning emails from Facebook which included notifications that H.M.'s Facebook account password had been reset, and other warnings indicating H.M.'s Facebook account had been logged in from a different location.

10. On May 23, 2020, ARNOLD sent H.M. a message which reads in part "I read your messages" and later in part "U left all your passwords on my iMac." ARNOLD also sent a message to H.M. which stated "I read all your messages every guy sends you a dick pic. U are a whore its out of control." On the same day, ARNOLD left a voicemail on H.M.'s Google voice account in which he admits to accessing her Facebook account. Below are the pertinent parts of the voicemail:

"You have some potential [name redacted], but like ...you're out of hand. I read all your fucking Facebook text messages and they were....it's bad... you're like it's the most sickening shit I've ever read" "I read the most fucked up shit in all your fucking text messages on Facebook"

11. Also on approximately May 23, 2020, ARNOLD created a Facebook account using the same name as H.M.'s new Facebook account and a picture of H.M. shooting a rifle as the profile picture. H.M. was not aware the picture existed. ARNOLD then used this account to send Facebook messages to H.M.'s new Facebook account.

12. Around the same time in May, ARNOLD, using his own FACEBOOK account, sent Facebook messages to several of H.M.'s Facebook friends that included links to pornographic

videos of H.M. which where uploaded to the pornography website Pornhub.com. ARNOLD is visible in at least one of the videos.

13. The Pornhub account used to upload the videos was created with the same name as the fictitious Facebook profile created by ARNOLD and very similar to H.M.'s new Facebook account. Friends of H.M. would associate this alias name with her and could be led to believe it was her account.

14. H.M. was aware of the existence of some of the videos uploaded to Pornhub.com, but several were made by ARNOLD without her consent. In addition, H.M. previously told ARNOLD to delete the videos, a request with which ARNOLD said he complied. Moreover, H.M. did not provide consent to share or upload the videos.

15. On June 17, 2020, I spoke with S.K. who works with and is friends with H.M. S.K. stated that in May of 2020, he received a Facebook message from an account with the name Mark Arnold which contained links to multiple Pornhub.com videos along with the text "its [name redacted for privacy]. The videos depicted H.M. in sexual circumstances. Kelly does not know Mark Arnold, however S.K. is friends with H.M. on Facebook.

16. On June 17, 2020, I spoke with H.B. who works with and is friends with H.M. H.B. also received Facebook messages from an account with the name Mark Arnold which contained links to multiple Pornhub.com videos of H.M. H.B. does not know Mark Arnold but is friends with H.M. on Facebook.

17. Arnold also sent images of the pornographic videos to H.M. along with the text, "call me it can stop" and "whatever all heal if you go to the courts we are both in trouble." ARNOLD also sent emails to H.M. on May 24, 2020 which stated, "Come over and we can erase the porn."

18. In her statement to the FBI, H.M. stated that she was in fear for herself and her family.

Interstate Nexus

Arnold Lives in New Mexico

19. During an interview with FBI agents on June 15, 2020, H.M. stated that Arnold lived with his elderly grandmother, Frances. H.M. further stated that Arnold worked in construction, primarily on concrete. Also on June 15, 2020, FBI agents observed that New Mexico driver's license data listed Arnold's address as 1735 Los Jardines Place NW, Albuquerque, New Mexico. Agents also observed an entry in the NCIC record for New Mexico Corrections Department under Probation and Parole which listed the same address.

20. Also on June 15, 2020, FBI agents observed wage records provided by the New Mexico Department of Workforce Solutions which indicated that Arnold was employed by Noel Company Inc., 5214 2nd Street NW, Albuquerque, New Mexico as of the most recent quarter for which records existed.

21. Also on June 15, 2020, FBI agents conducted surveillance of the residence located at 1735 Los Jardines Place NW, Albuquerque, New Mexico, and observed a Kia Soul, brown in color, with registered owner Frances Arnold, parked in the driveway in front of the same address.

22. On June 16, 2020, FBI agents observed New Mexico vehicle registration data associated with Arnold which listed a Subaru, blue in color, bearing New Mexico license plate marked APAH80, registered owners Mark Christopher Arnold and Frances Arnold, registered address 1735 Los Jardines Place NW, Albuquerque, New Mexico.

23. Also on June 16, 2020, FBI agents accessed the Bernalillo County Assessor website and observed a record for 1735 Los Jardines Place NW which listed Frances Arnold as the property owner for the 2020 tax year.

24. On June 17, 2020, FBI agents and trained surveillance personnel conducted surveillance of 1735 Los Jardines Place NW, Albuquerque, New Mexico, and observed that at approximately 5:15 AM, a Subaru Outback, blue in color, and bearing New Mexico license plate marked APAH80 was observed to depart from the garage of the residence, occupied by a person matching the general description of Arnold, and was later observed parked in a fenced lot, south east of the building marked "Noel Company" and located at 5214 2nd Street NW, Albuquerque, New Mexico. Later the same day, at approximately 3:47 PM, a person matching the description of Arnold was seen to exit a white Dodge minivan marked "Noel Company Inc." and to enter the Subaru Outback, parked in the same location. The Subaru Outback was then seen to depart this lot and proceed to 1735 Los Jardines Place NW, Albuquerque, New Mexico, occupied by the above described person in the driver's seat.

25. On June 18, 2020, FBI agents and trained surveillance personnel conducted surveillance of the same location and observed a similar pattern of activity.

Yahoo does not have Servers in New Mexico

26. Yahoo operates an interactive computer service, electronic communication service, and electronic communication system in interstate commerce. Upon information and belief, Yahoo does not operate data centers within the state of New Mexico. I therefore believe that when Arnold sent threatening messages using these services, that the threats necessarily were carried from Arnold's device within the state of New Mexico to data centers outside of the state of New Mexico. Then depending on the geographic location of H.M. – who resided in and out of New

Mexico during the relevant periods covered in this affidavit – the messages were either returned to the state of New Mexico or delivered to H.M. in another state.

27. Based on the details above, there is probable cause to believe that ARNOLD sent threatening and harassing messages to H.M., accessed H.M.'s Facebook account without authorization.

CONCLUSION

28. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. §875(c) – communications made via interstate communications which contain threats to kidnap or injure the person of another and 18 U.S.C. § 2261A(2) Stalking - electronic communications sent with the intent to kill, injure, harass, or intimidate.



Jeffrey Moon
Special Agent
Federal Bureau of Investigation

Electronically submitted and telephonically sworn to me on June 19, 2020.


United States Magistrate Judge